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THE HON'BLE SRI JUSTICE E. DHARMA RAO

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WRIT PETITION NO. 17090 OF 2005

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DATED 03.08.2005

Between:

1. Kalidindi Srinivasa Varma, S/o Kalidindi Thammi Raju aged about 44 years, R/o Kaikaluru Village and Mandal, Krishna District and others.

Petitioners

and

1. The Mandal Revenue Officer, Mandavalli Mandal, Krishna District.

Respondent

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ORAL ORDER:

Heard both sides.

In this Writ Petition, petitioners seek a Mandamus declaring the show-cause notice, dated 12.7.2005 issued by the respondent under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 9 of 1977 (hereinafter referred to as 'the Act') in respect of lands in S.Nos. 237/12, 237/13 and 237/5, an extent of Ac. 5.92 cents in S.Nos. 224/3, 224/4, 224/7, 224/9, 225/1, 225/2, 225/4, 237/6, 237/10, 237/11, Ac. 1.05 cents in S.No. 237/2 and 237/4, Ac. 3.75 in S.No. 224/2, 224/5, 224/8, 224/6, 225/3 and 225/6 sitauted at Nutchumilli Village, Mandavalli Mandal, Krishna District, as illegal and consequently set aside the same.

It is stated that since the date of purchase, petitioners have been in continues possession and enjoyment of the said land and they have been continuously paying the revenues to the authorities. While the matter stood thus, on 12.7.2005, the respondent issued the impugned show-cause notice. It is also stated that the provisions of the Act are not applicable to the land in question. It is further stated that petitioners submitted an explanation, dated nil, to the said notice. However, the respondent has not taken any further steps based on the said explanation. Hence, the Writ Petition.

Having heard the learned counsel for the petitioners, the learned Government Pleader appearing for the respondent and perused the material available on record and in view of the facts and circumstances of the case, especially in view of the fact that the explanation submitted by the petitioners is pending before the respondent, without expressing any opinion on the merits of the case, I deem it appropriate to direct the respondent to dispose of the said explanation.

The Writ Petition is accordingly disposed of directing the respondent to consider the explanation, dated nil, submitted by the petitioners and pass appropriate orders, after giving due opportunity to the petitioner, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondent shall not interfere with the possession of the petitioners in

respect of the land in question. No Costs.

ELIPE DHARMA RAO,J

DATED: 3.8.2005

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